

BOARD OF ZONING ADJUSTMENT MINUTES

May 22, 2018

Regular meeting of the Clay County Board of Zoning Adjustment, Commission Hearing Room, 3rd Floor, County Administration Building, One Courthouse Square, Liberty, Missouri.

Call to Order

@ 5:30 pm: Randall Morris

Roll Call: Kipp Jones, Manager

Members Present: Randall Morris, Buddy Raasch, Mark Beggs and Kristie Soligo-Fleshman

Members Absent: Larry Whitton

Staff Present: Kipp Jones, Manager
 Debbie Viviano, Planner
 Andy Roffman, Assistant County Counselor
 Angie Stokes, Secretary

Mr. Morris: Call the meeting to order, asked for roll call.

Mr. Jones: Mark Beggs?

Mr. Beggs: Present.

Mr. Jones: Kristi Soligo-Fleshman?

Ms. Soligo-Fleshman: Present.

Mr. Jones: Larry Whitton?

Mr. Whitton: Absent

Mr. Jones: Buddy Raasch?

Mr. Raasch: Present.

Mr. Jones: Chairman Randall Morris?

Mr. Morris: Present, entertains a motion to approve or disapprove the minutes from April 24, 2018.

Ms. Soligo-Fleshman: Motioned to approve the April minutes.

Mr. Morris: Seconds, calls for a vote.

Mr. Jones: Mark Beggs?

Mr. Beggs: Abstain.

Mr. Jones: Kristi Soligo-Fleshman?

Ms. Soligo-Fleshman: Approve.

Mr. Jones: Buddy Raasch?

Mr. Raasch: Abstain.

Mr. Jones: Chairman Randall Morris?

Mr. Morris: Approve.

Final Vote 2/0/2 Approve Minutes from April 24, 2018

Mr. Morris: Swears in individual that will be testifying in tonight's case.

Audience: Mr. and Mrs. Rich are sworn in.

Mr. Morris: Call for staff report on case 18-104BZA.

Ms. Viviano: Attached the staff report as part of the official record. Summarizes case number 18-104BZA, a request for variances from Section 151-6.3(B)(5b) of the 2011 Clay County Land Development Code, pertaining to an accessory structure being located forward of the principal dwelling unit in a residential district, where such placement is in noncompliance of the County code of requirements, the applicants are Greg and Cena Rich.

Mr. Morris: Asked for any questions from the Board members?

Mr. Beggs: Refers to attachment D, discusses different area where an accessory building could be built that meets the codes.

Mr. Rich: Replied he did not know how accurate the lateral lines are showing on that attachment, they may be further east than marked, they had asked for information from the Health Department and the septic installer and neither had the exact location of the lines.

Mr. Beggs: Stated then the lines may not go as far west so there may be room for an accessory building in that area.

Ms. Rich: Stated there was a slope there on the property.

Mr. Rich: Stated they would like to put it there but with a fence line, 15 foot easement and then the septic system running to the north and being 20 feet from the south fence there wasn't much room for a driveway to the building.

Mr. Beggs: Stated he did not like where the requested building site is, it being so close to Georgetown Road and being unscreened. Thought it looked like fill was brought in to level the ground for the pool, maybe do that for the accessory building.

Ms. Rich: Stated there was a ditch in that location.

Mr. Rich: Stated that they did not build the house or the pool they just bought the property. Shows the picture of the incline in that area of the property, addresses a letter from the builder stating why the accessory building cannot be built behind the principal structure.

Ms. Soligo-Fleshman: Asked if the Clay County Health Department had been contacted for the drawing of the location of the laterals?

Mr. Rich: Stated they contacted Clay County Health Department and they did not have the location of the septic but they approved the location of where they are requesting the variance for.

Mr. Raasch: Inquired how old the house was.

Mr. Rich: Stated he thought it was finished in April of 2016.

Mr. Raasch: Pointed out the code for the location of the accessory building location was adopted before the house was built.

Mr. Jones: Stated the house was built by a previous owner.

Mr. Morris: Inquired if Georgetown Road was considered where the front of the house is located.

Ms. Viviano: Replied it was.

Mr. Morris: Inquired if building to the south of the house east of the laterals was still considered front of the house?

Ms. Viviano: Replied it would be.

Mr. Jones: Did an estimated measurement from the laterals to the front build line of the house, around 30 feet.

Mr. Beggs: Suggested they could put a smaller accessory building in that location and be within the code.

Mr. Morris: Stated they needed to know the exact location of the lateral lines.

Ms. Soligo-Fleshman: Suggested asking the Builder of the house if they have the plans showing where the septic lines were located.

Ms. Rich: Said the builder did not put in the septic system and the company that put in the septic did not have them.

Mr. Beggs: Suggested adding onto the existing garage attached to the house.

Mr. Raasch: Wanted clarification on if it was nothing in front of the house or nothing between the front of the house and the road.

Mr. Jones: Stated the front of the house is determined how the house is addressed, the front is the closest portion to the street it is addressed off of, but they could add an addition on to the house as long as it meet the front setback.

Mr. Rich: Stated they would like an outbuilding for mowers.

Mr. Raasch: Inquired about the rest of the property.

Mr. Rich: Stated there was a low area to the north that they are going to dig out and turn into a pond.

Ms. Viviano: Stated on the USGS maps looks like there was an old pond in that area.

Mr. Morris: Inquired which direction the front of the building would face west or south.

Ms. Rich: Stated west, towards the house.

Mr. Rich: Stated they were willing to change that if needed.

Ms. Rich: Stated they did check with their neighbors and they didn't have issues with that location of the accessory building.

Mr. Raasch: Stated the rules were in place before the house was built and it was the job of the BZA members to enforce the code.

Mr. Rich: Inquired what criteria did the Board think they did not demonstrate to be considered for the variance.

Mr. Beggs: Didn't think the hardship requirement was met.

Ms. Soligo-Fleshman: Inquired where the septic tank was located and which direction the property sloped.

Ms. Rich: Replied the white spots on the map are where the tank was located and the property slopes to the north. Points out the diagram the inspector from the Health Department drew of the septic system.

Mr. Rich: Pointed out that in that diagram the laterals extend past the garage.

Mr. Morris: Inquired how much of a slope there was on the north side of the house.

Mr. Rich: Estimated it was 15 feet.

Mr. Morris: Asked if the Board had any more questions or comments, seeing no one else in the audience there were no public comments for or against the variance.

Entertains a motion to approve or deny the variance request.

Mr. Beggs: Motion to deny the variance

Mr. Raasch: Seconds the motion.

Mr. Morris: Calls for a vote.

Mr. Jones: Mark Beggs:

Mr. Beggs: Yes.

Mr. Jones: Kristie Soligo-Fleshman?

Ms. Soligo-Fleshman: Yes.

Mr. Jones: Buddy Raasch?

Mr. Raasch: Yes.

Mr. Jones: Chairman Randall Morris?

Mr. Morris: No.

**Final Vote 3/1/0 Deny Case 18-103BZA
 Building in front of Principal Structure**

Mr. Morris: Inquired if there was any other business.

Mr. Jones: Stated there will be a BZA meeting next month.

Mr. Morris: Adjourns the meeting.

Meeting Adjourned

Chairman, Board of Zoning Adjustment

Secretary, Board of Zoning Adjustment

Recording Secretary